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DEPT. OF TRANSPORTATION
DOCKETS

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January 14, 2002

Docket Management System
U.S. Department of Transportation
Room Plaza 401
400 Seventh Street, SW
Washington, DC 20590

To Whom It May Concern:

The Regulatory Policies and Procedures of the Department of Transportation (DOT) (44 FR 1134; Feb. 26, 1979) provides the opportunity for public comment on regulations issued without prior notice.

Chicago O'Hare International Airport submits the attached comments on Part V 14 CFR Parts 107 and 108, *Criminal History Records Checks; Final Rule*, December 6, 2001, Regulatory Docket Number FAA-2001-10999, Amendment Numbers 107-14 and 108-19.

Respectfully,


John J. Townsend
Airport Security Coordinator



CHICAGO O'HARE
BEST AIRPORT IN NORTH AMERICA



January 14, 2002

**Chicago O'Hare International Airport
Comments on Part V 14 CFR Parts 107 and 108
*Criminal History Records Checks; Final Rule***

Regulatory Docket Number FAA-2001-10999
Amendment Numbers 107-14 and 108-19

DEPT. OF TRANSPORTATION
REGULATORY DOCKET
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Section 107.209 (e) Fingerprint application and processing

Comments:

It is recommended that the airports have the option of merging the information required on the proposed fingerprint application into the existing airport ID badge application. The fingerprint application, as specified in the rule, is lacking in that it does not require social security number, birth date, sex, race, eye color, hair color, height, weight, place of birth, address, employer address, or check boxes/indicators for verification of two forms of identification. Many of the airports' ID badge applications already include this information, as well as the disqualifying crimes. The three additional required statements could be added with little effort. The airports should be allowed the option of producing two separate forms or one consolidated form.

Section 107.209 (g) Determination of arrest status

(2) CHRC discloses an arrest without a disposition

Comments:

It is recommended that the airport be given the latitude to immediately suspended access media for individuals whose CHRC discloses an arrest for any disqualifying criminal offense, but does not indicate a disposition. The individual's unescorted access authority should remain suspended until the airport operator determines, after investigation, that the arrest did not result in a disqualifying criminal offense. The current language requires the airport to allow the person to maintain full access for 45 days prior to suspending access privileges.

Section 107.209 (m) Exceptions

(2) a crewmember of a foreign air carrier

Comments:

It is recommended that crewmembers of foreign air carriers covered by an alternate security arrangement in the foreign air carrier's approved security program not be exempted from the criminal history records check (CHRC) requirement. These crewmembers should be fingerprinted to introduce their fingerprints into the FBI database.

(3) and (4) an individual who has been continuously employed

Comments:

It is recommended that the "continuous employment" exemption be eliminated. All new hires seeking unescorted security identification display area (SIDA) access authority should be fingerprinted regardless of whether they have been fingerprinted and have had unescorted SIDA access at another airport. The continuous employment exemption is confusing and too easily allows for individuals to avoid undergoing a CHRC.